IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION NO : 27357 of 1997

Between:

Rajilla Lingaiah, S/o Gangarajam, R/o Nookapally (V), Mallial (M), Karimnagar District.

..... PETITIONER

AND

1 The Inspector of Prohibition and Excise, Jagtial, Karimnagar District.
2 The Deputy Commissioner of Excise & Prohibition, Karimnagar, Karimnagar

District.
3 The Commissioner of Prohibition & Excise, Government of A.P., Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in confiscating the petitioner's Auto Rikshaw bearing Reg.No.AP-15-U-114 seized in Cr.No.236/1997/P & Ex./A4 dt: 11-7-1997 by his proceedings in Pr.No.215/96-97 dt: 13-3-1997 is bad in law and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : MR.A.SATYANARAYANA REDDY

Counsel for the Respondents : GP FOR PROHIBITION & EXCISE

The Court made the following :

ORDER :

Heard the learned Counsel for the petitioner and the learned Government Pleader for prohibition and Excise appearing for the respondents.

Questioning the action of 2nd respondent-Deputy Commissioner of Prohibition and Excise, Karimnagar Division, Karimnagar in passing the Proceedings in Pr.No.215/96-97, dated 13-3-1997, confiscating the Auto Rickshaw of the petitioner, bearing Registration No.AP-15-U-114, seized in Cr.No.236/97/P&Ex/A4, without issuing him any notice, the petitioner filed this writ petition.

The learned Government Pleader for Prohibition and Excise submitted that the matter relates to the offence under Section 8(b) of the Andhra Pradesh Prohibition Act, 1995 (for short "the principal Act"). She submitted that the Government has taken a policy decision to compound certain offences under the principal Act and in that direction, passed Andhra Pradesh Prohibition (Amendment) Act, 2000 (Act No.17 of 2000) which was published in the Andhra Pradesh Gazette Part IV-B-Extraordinary No.23, dated 29-4-2000; and also framed Rules called – The Andhra Pradesh (Compounding Offences) Rules, 2000 (for short "the Compounding Rules) by G.O.Ms.No.496, Revenue (Excise III), dated 25-7-2000, which was published in the Andhra Pradesh Gazette Extraordinary (Part II) Rules Supplement No.18, dated 27-7-2000. She further submitted that as per Rule 4 of the Compounding Rules, the Deputy Commissioner of Prohibition & Excise is empowered to compound those offences in which vehicles are involved and falling under sub-clause (i) of clause (b) of Section 8 of the principal Act. Thus, she submitted that the case of the petitioner be referred to the 2nd respondent-Deputy Commissioner of Prohibition & Excise, for determination under the Compounding Rules.

Having regard to the above submission of the learned Government Pleader for Prohibition and Excise, and in view of the fact that the case of the petitioner falls within the Compounding Rules, I deem it appropriate to direct the petitioner to file an application seeking compounding of the offence with respect to the vehicle in question under the Compounding Rules before 2nd respondent-Deputy Commissioner of Prohibition and Excise, Karimnagar Division, Karimnagar, within a period of one month from the date of receipt of a copy of this order, and on such filing, the 2nd respondent is directed to consider the same and pass appropriate orders thereon in accordance with law.

With the above observations, the writ petition is disposed of. No costs.

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N.V.RAMANA, J

Dt: 15-04-2005.

ajr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Inspector of Prohibition and Excise, Jagtial, Karimnagar District.
2 The Deputy Commissioner of Excise & Prohibition, Karimnagar, Karimnagar

District.
3 The Commissioner of Prohibition & Excise, Government of A.P., Hyderabad

4 Two C.Cs. to the GP for Prohibition & Excise, High Court buildings,

Hyderabad. (OUT)

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